REMARKS

The Office Action dated November 30, 2004 has been reviewed carefully and the application has been amended in a sincere effort to place it in condition for allowance.

Claim Objections

Claims 7, 18, 23 through 25, and 32 were objected to based upon certain informalities noted by the Examiner. Appropriate correction has been made to address each of those objections and it is believed that the claims are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 8 through 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In claims 8, 19, and 32, amendment has been made to correctly introduce the term "anodic diffusion layer" to provide proper antecedent basis for the term.

Claim 19 was rejected as being vague and indefinite. The claim has been reworded to indicate that the fuel container and delivery system can be coupled to the fuel source for filling, and to the direct oxidation fuel cell when fuel delivery is required. It is believed that this amendment overcomes the Examiner's rejection of the claim.

Claim Rejections – 35 U.S.C. § 102

Claim 8 and 12 were rejected under 35 U.S.C. § 102b as being anticipated by United States Patent No. 5,992,008 ("Kindler").

Kindler discloses a direct feed methanol fuel cell which includes an outer container that defines an anode chamber and a cathode chamber. Prior to use of the fuel cell, the anode chamber 160 is filled with an organic fuel and water mixture. The Examiner indicates that the anode chamber itself can function as the anodic fuel receptor because it is in intimate contact with the anode. However, this is not the case because, in accordance with Applicants' invention, the anodic fuel receptor is an additional component which is disposed within the anode chamber and is described in the specification as follows: "The fuel receptor 46 is comprised substantially of a material that possesses properties that allow fuel to be transported towards the MEA as needed as it is consumed. While not limiting to the invention, the material may be substantially hydrophilic methanol resistant materials, such as a foam, which draws liquid fuel into the anode chamber 18. In accordance with one aspect of the invention, the material may be polyurethane or a metalyzed polyurethane foam or other foam substance...or it may be a conductive material to which a process or second material is applied which creates an electronically conductive porous high-capillary material such as a felted material." [Specification, page 9 line 26 through page 10, line 5].

As stated in the description, the anodic fuel receptor is a material comprised of one or more substances that is disposed within the anode chamber. In order to clarify this

aspect of the invention, the word "material" has been inserted in relevant part in each claim, for example, at line 17 of claim 8. It is thus believed that claim 8 as amended is not anticipated by Kindler, because Kindler does not suggest a material disposed within the anode chamber that draws fuel into the anode chamber.

Claim 12 has been cancelled.

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,460,733 to Acker et al. ("Acker").

The Acker patent is commonly owned with the present application and the Acker patent and the present application have a common inventor. Accordingly, the present invention was not described in: "(2) a patent granted on application for patent by another filed in the United States before the invention by the Applicant for a patent ...." 35 § 102(e).

Accordingly, the Acker patent is not available as a reference in this regard. The assignments of both properties have been filed with the U.S. Patent and Trademark Office for recordation. The reel and frame number of the recordation have not been received by Applicants as yet, however, any documentation required by the Examiner in this regard will be timely provided by the Applicants.

Allowable Subject Matter

Claims 3 through 7, 9 through 11, 13 through 18 and 32 are indicated as allowable over the prior art of record.

In view of the amendments and arguments herein, Applicants respectfully submit that the claims from which the above-referenced claims are now in condition for allowance and thus, the dependent claims have not been re-written, however, Applicants will rewrite such claims as the Examiner indicates as being required.

All of the objections and rejections raised by the Examiner have been addressed herein. In view of the amendments and arguments presented herein, it is respectfully submitted that the application is now in condition for allowance.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

Rita M. Rooney
Reg. No. 30,585
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500